

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

United States,)	
)	
Plaintiff,)	4:01-cr-00194-CWH-2
)	
vs.)	ORDER
)	
Betty Ann Osborne,)	
)	
Defendant.)	
)	

On July 26, 2001, the defendant pled guilty to conspiracy to possess with intent to distribute 5 kilograms or more of cocaine and 50 grams or more of cocaine base, commonly known as crack cocaine, in violation of 21 U.S.C. 841(a)(1), 846.

On January 16, 2002, the Court sentenced the defendant to a term of 188 months in prison followed by 4 years supervised release. On October 20, 2003, the Fourth Circuit Court of Appeals affirmed the defendant's conviction and sentence. On January 16, 2008, the defendant moved *pro se* to appoint counsel to represent her for her anticipatory motion to reduce her sentence. On April 30, 2008 and July 28, 2008, the defendant moved *pro se* for retroactive application of the amended sentencing guidelines. The defendant does not qualify for a reduction because she is a career offender, and the defendant's guideline range was "not based on the quantity of drugs attributable to [her], but rather on the maximum sentence for the offense of conviction." United States v. Smith, 441 F.3d 254, 273 (4th Cir. 2006).

The defendant's motion to appoint counsel and motions for a reduced sentence are denied.

AND IT IS SO ORDERED.

July 30, 2008
Charleston, South Carolina


C. WESTON HOUCK
UNITED STATES DISTRICT COURT